

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

TAVARES JOHNSON,

Defendant.

8:09CR410

ORDER

This matter is before the court on the defendant's "Motion for Leave to File Rule 12(b)(3) Motions Out of Time and For Extension of Time to File Pretrial Motions" [21].

The defendant was represented by counsel since the time of his arraignment on November 30, 2009. Moving counsel, who was appointed substitute counsel on December 22, 2009, was notified via CM/ECF (see pleading 17) that the Order of Progression [10] was in full force and effect and that pretrial motions were due on December 21, 2009. This extension was requested only after the case was set for trial--more than one week after the pretrial motion deadline expired. Under the circumstances, the defendant has not shown good cause for an extension of the pretrial motion deadline.

IT IS ORDERED:

1. The defendant's "Motion for Leave to File Rule 12(b)(3) Motions Out of Time and For Extension of Time to File Pretrial Motions" [21] is denied.
2. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

DATED December 30, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge